

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, AUGUST 20, 2008**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**ROBERT GULLA, CHAIRMAN**

**MEMBERS PRESENT**

Robert Gulla, Chairman  
John Feener  
William Febiger  
Arthur Socolow  
Brandon Frontiero

**MEMBERS ABSENT**

Ann Jo Jackson

**STAFF PRESENT**

Nancy Ryder, Conservation  
Agent  
Carol Gray, Recording Clerk

Mr. Robert Gulla, Chairman, opens the meeting of the Gloucester Conservation Commission.

**16 ROUSE ROAD** Map 137, Lot 24

This is a Notice of Intent submitted by David Greenberg to construct an addition with a foundation and detached garage in a buffer to an isolated vegetated wetland.

The Agent reviews with the GCC stating that a planting plan was requested. A site visit was taken by the Agent and photos were taken. Tree planting submission was made:

6 trees and shrubs, minimum 2 inch diameter re: the trees.

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Socolow moves to approve

SECOND: Mr. Feener                      VOTE: 4-0                      ABSTENTION: Mr. Feener

**63 GROVE STREET**

Certificate of Compliance request: The Agent reviews with the GCC and notes the final monitoring from the 3<sup>rd</sup> party re: the replication area. This was sent to all members of the GCC.

Mr. Gulla entertains a motion to approve the Certificate of Compliance.

MOTION: Mr. Socolow moves to approve

SECOND: Mr. Febiger                      VOTE: 5-0 all in favor.

**3 JOPPA WAY**

Letter Permit request review: a continuance of 9/3/08 7:05 was noted.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Socolow                      VOTE: 5-0 all in favor.

**20 BAYBERRY LANE** Map 257, Lot 63

This is a Request for Determination submitted by Michael and Patricia Clayman to construct a second floor addition and enclose the existing deck in a coastal dune area.

The Agent reviews with the GCC stating the house is in a dune. The applicants say that the rebuilding of the house will be from the inside out. According to the plan there is no construction zone around the house. A site visit was done with the Agent and the contractor.

Mr. Gulla inquires as to monitoring for at least the first month.

The Agent notes that environmental monitoring with a site monitor filing weekly reports.

Mr. Feener notes a sign up sheet to be posted for all workers on site as a sign off sheet.

The Agent notes that it should be added that there will be no tolerance for any disturbance whatsoever otherwise there will be a stop work and a Notice of Intent filed.

The deck is on ground level and to be on piers only. Removal of the RR is noted.

Mr. Gulla entertains a motion for a negative determination with conditions.

(+2B/+5/-2).

MOTION: Mr. Feener moves for a negative determination with conditions.

SECOND: Mr. Febiger

VOTE: 5-0 all in favor.

**606 WESTERN AVENUE** Map 193, Lot 83

This is a Request for Determination submitted by Robert Moran to install water service and to maintain newly completed site work in a buffer zone to a wetland.

The Agent reviews with the GCC noting that the confirmation of the delineation was confirmed and is the same as three years ago. Re-flagging will be done as needed.

The Wetland Protection Act regulations were sent by the Agent to Mr. Gulla.

Mr. Gulla entertains a motion for a negative determination. (+2A/+5/-3).

MOTION: Mr. Feener moves for a neg. det.

SECOND: Mr. Socolow

VOTE: 5-0 all in favor.

**PUBLIC COMMENT PERIOD:**

Mr. Rob Anderson, Castlevue rep. present and addresses the GCC inquiring as to why the Certificate of Compliance is taking so much time.

Mr. Gulla apologizes for this not being done in a timely manner and that they are trying to work towards a solution. He recommends another meeting to discuss this and notes that the GCC is bound by laws.

It was noted that Wayne is bringing in a document to complete the file and they are waiting on that as well. Another issue is the 21 day appeal period.

Mr. Gulla notes pg. 229 which states that it should never be issued if there is problem, and we have a problem. We need to know from a Wetland Scientist re: the functioning of it during a storm to observe and document. Mr. Gulla notes that this is a very sensitive area.

The matter was continued to 09/03/08 8:30 PM.

PUBLIC COMMENT PERIOD CLOSED.

**46 LEVERETT STREET** Map 162, Lot 13

The Commission requests the attendance of Christine Peterson to discuss violations that have occurred on site a resource area in violation of an issued Order of Conditions and the State Wetlands Protection Act. The hearing will include discussion and possibly a vote regarding restoration, remediation and any other action the GCC may require of the property owner, including the issuance of administrative penalties.

The Agent notes that the applicant's attorney has requested a continuance. She further notes that a full packet was sent to DEP enforcement. She further notes a possible stall tactic regarding the resolution of this matter. She is hoping that a DEP Enforcement Officer may be able to take over.

Mr. Gulla entertains a motion to continue the matter to 09/03/08 9:30 PM.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Socolow

VOTE: 5-0 all in favor.

**6 ROCKY NECK**

The Agent notes no issues. She states that a site plan has now been submitted. The applicant states that he hand delivered his submissions. He notes strip footings with several piers. The Agent notes that she has no indication that anything was submitted.

The Agent notes: not strip footings but piling footings. The applicant still wants to install the strip footings and will pay for it.

The Agent states that an amendment is needed for that.

Mr. Gulla notes a bed of crushed stone, 12 inches, underneath.

2 additional piers were noted on the plan.

Mr. Gulla notes a cylinder 3 ft. down sitting on 12 inch thick block. This being 4 ft. below grade.

The Agent notes that a flood plain construction is needed in a flood plain.

Mr. Gulla entertains a motion to approve a minor amendment.

MOTION: Mr. Feener moves to approve.

SECOND: Mr. Socolow

VOTE: 5-0 all in favor.

**161 THATCHER ROAD** Map 178, Lot (not listed)

This is a Notice of Intent submitted by Charles Pratt Jr. to construct a single family home with associated grading and utilities in a buffer zone to a marsh. Michael Desrosier and Rick Pratt in attendance and before the GCC.

A site visit was done and the step reconfiguration was noted as well as adding a landing.

The planting plan was noted as well as mitigation for work in a buffer zone.

The depth to ground water was done by H. L. Graham.

The Agent inquired as to anyone from the City noting any of this and Mr. Pratt stated, Mike Hale, City Eng. The Agent states that no submissions have been received as of yet. An Engineering review requires a written response under the City Ordinances.

It was noted re: elevation: 7.4 and 9, giving 1.6 ft. with the Storm water regulations recommending 2 ft. of separation. In order to accomplish this, the foundation needs to be raised 6 inches.

The Agent notes that re: Engineering, previously it has been nothing less than 2 ft. traditionally.

Mr. Frontiero states that it would be wise to get the Engineering review done and submitted.

Mr. Socolow states that if he were the homeowner he would want the additional 6 inches.

Mr. Feener states that if the homeowner agrees to raising it 6 inches then the GCC should go along with that.

The Agent states that she does not recall if the applicant submitted a vegetated buffer planting plan. She states that what was submitted was conceptual.

The applicant states in re: the trees, that they are all 1.5 inch caliper with Mr. Gulla inquiring as to how many trees are to be taken down. The applicant states 4 trees are to be taken.

Mr. Gulla states that the site visit taken was not a GCC quorum visit. He states that he just meandered along the site and that he did not report back to the GCC as this was not a quorum visit and that type of site visit is needed for that.

The Agent states that the planting plan needs a design and size and density of plantings to be noted.

The Agent notes re: planting plan that all plantings shown are on the bank. The stairs were pulled and the bank and pond are not noted on the site plan. BVW and LS to flooding are not noted either.

The applicant notes the key on the plan re: plantings and how many: 8 ft. dogwood and 6 grey birches.

Mr. Socolow notes the 2 inch diameter minimum.

Mr. Feener notes that the grey birch is susceptible to disease with the applicant stating that they can change that to river birch.

The applicant asked if the delineation was acceptable and the Agent states that they don't see the bank and the applicant notes the stone wall. The Agent states that she is in disagreement with that and notes a possible issue re: a larger setback.

Mr. Gulla notes that a thin strip is noted but the GCC would like more of it as the whole landscape is narrow. The GCC would like to get it up to elevation 9 for now and for future further impact. He notes possible further density on the right side.

Mr. Gulla notes the vegetative strip the applicant is showing on the plan and states that the GCC would like to see it extended a bit.

The applicant states that it is all ledge.

Mr. Socolow notes that there is no ledge at the depth that was listed.

The Agent states that notes are needed on the plan for clarification.

The applicant notes the modifications on the plan as:

Clear planting plan, 2 inch caliper, river birch instead of grey birch, Eng. review pending, and documentation re: soils and re-evaluate raising to 6 inches.

The Agent notes that the GCC can request 2 to 1 mitigation.

Mr. Feener notes that the applicant may want to be creative by using 6 river birch and maybe 6 other types of trees.

The Agent notes that in the past Engineering has responded.

Mr. Gulla notes the strip of land on the property and notes that it seems like the plantings are varied.

The Agent states that it needs to be noted that the GCC is not verifying the delineation.

The labeling of the pond vs. BVW needs to be noted.

DEP had no comments.

Public Comment: none/closed.

Mr. Gulla entertains a motion to approve with conditions noted.

The delineation is not approved by the GCC.

MOTION: Mr. Febiger moves to approve with noted conditions.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

## **2 BEACHLAND ROAD** Map 178, Lot 51

This is a Notice of Intent submitted by Charles Pratt Jr. to remove fill in a wetland and to restore the wetland buffer zone.

The applicant addresses the GCC and notes the plan and aerial views stating that the initial info. re: wetlands and soils are noted on the photo, denoting the wetland by soil and the upland by soil.

The Agent notes that the location of where cars are to be parked needs to be noted.

The applicant states that the parking area was never prepared with lines and all.

The Agent states that the applicant shows the buffer zone but not the parking area and further states that in order to understand the maintenance the GCC needs to know what the area is being used for. There is historic use for the parking in the front area but not elsewhere.

Mr. Gulla states that the parking area was vague on the plan. He further notes that the issue is not so much where they were going to be parking but where they were not going to be parking.

The applicant notes two reclaimed areas that total approx. three to four hundred ft. and notes 24 shrubs and 75 \*\*\*\*\*. He states that they over-seed and that it is not grass seed but wetland seed.

The Agent notes the area as being permitted for 194 cars.

The GCC members review the photos with Ms. Nancy Ryder, Agent for the GCC.

Mr. Gulla notes that they could possibly make the buffer a little thicker, either with plantings or natural vegetation.

Mr. Pratt states that he would like to see the number of vehicles up to 250 as it is only for 10 weeks of use, and probably 6 to 7 days out of the whole season.

Mr. Febiger notes that some sort of permanent boundaries should be listed as a condition.

Mr. Gulla states that the goal of the applicant is to delineate and submit a management plan.

The Agent states that it looks like a 5 ft. buffer. Mr. Gulla states that it seems thin and inquires as to any way to enlarge the area from a 5 ft buffer to a 10 ft. buffer.

PUBLIC COMMENT: none/closed.

Mr. Socolow stated that he would be in favor of at least a 10 ft. buffer.

The Agent states that crushed stone, (3/4 inch) was being used. Mr. Gulla notes no overfilling, just up to the pot holes.

Mr. Gulla entertains a motion to continue the matter for final approval.

MOTION: Mr. Febiger moves to continue the matter.

SECOND: Mr. Feener

VOTE: 5-0 all in favor.

**464 WASHINGTON STREET** Map 110, Lot 22 NEW

This is a Request for Determination submitted by Robert Bosselman to maintain newly relocated propane tank lines and to re-construct walls and steps in riverfront.

Mr. Fred Geisel, Engineer, rep. the applicant reviews the plan with the GCC.

He states that they had one propane tank but two were needed and were located too close to the air conditioning units. They are tanks on concrete blocks.

He states that a violation occurred as pulling in the line was not permitted, but most likely would be a Letter Permit. He notes asking permission to have these tanks remain in place and that things remain in place to date. Backfill was done and it remains stable today.

He notes the installation of a couple of steps and the land was terraced with stone walls.

He notes the consideration of a drop in elevation with the stone walls being in disrepair.

The first set of stairs is granite pieces to have access to the lower levels with a proposed 2<sup>nd</sup> set of stairs.

Mr. Gulla inquires as to mitigation and how many square feet.

Mr. Geisel notes the increased area as 10 to 15 sq. ft. in the second riparian zone.

The Agent states that she didn't see the area as lawn but as a densely vegetated slope.

She further notes more than 10 to 15 sq. ft. of impervious.

Mr. Febiger notes the public parking area and inquires as to this being previously approved as a lawn.

The Agent states that three previous filings from the applicant re: the resource and buffer areas.

Mr. Gulla states that the GCC wants some indication that if the applicant moves forward with the existing undeveloped area that they come before the GCC.

PUBLIC COMMENT: none/closed.

Noted: the planting plan, 2 to 1 mitigation, and no existing vegetation to be removed w/o further permitting.

Mr. Gulla notes the applicant getting the square footage X 2 as a simple mitigation plan.

It was further noted that it should be documented that no plantings will be taken out.

Mr. Gulla entertains a motion for a negative determination. (+2B/+5/-2).

MOTION: Mr. Febiger moves to approve the neg. determination with the noted conditions.

Noted: within 100 ft. RRA/vegetated buffer.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

At this point in time a 5 minute recess was requested.

MOTION: Mr. Feener moves for the recess.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

The meeting resumes.

**10 ROSE LANE** Map 101, Lot 21

Enforcement Hearing: The GCC will discuss violations that have occurred. The hearing will include discussion and possibly a vote regarding restoration, remediation and any other action the GCC may require of the property owner, including the issuance of administrative penalties.

The Agent addresses the GCC stating that no new information has been submitted.

Mr. Thomas Gillis present and addresses the GCC stating he made a filing with the Harbormaster.

The Agent states that a Notice of Intent needs to be filed with the GCC. Mr.

Gulla states that they wanted the applicant to work with the Harbormaster.

The Agent states that she has no record of anything being filed. The floats are on someone else's property based on the deed. She notes a right of way.

Shellfish is asking that they be removed until a determination is made. She notes that they are working on all the floats, one at a time.

Mr. Gulla notes that in re: shellfish and wetland issues, the GCC needs to make sure it is permitted properly. A site plan is needed. The submission of an Nol needs to be done and submitted to the GCC. The Conservation Commission cannot fill it out but if the applicant comes to the Community Development office they can guide them. Some sort of documentation from the Harbormaster and/or Shellfish is needed to be sent to the GCC and a copy to the applicant.

Mr. Gulla states that he would like to see the floats pulled out now if possible and that they have to be pulled upland.

The Agent notes that permission from the other landowner is needed to pull them to that location.

Mr. Gulla notes that it may be a good for the applicant to hire a Wetland Scientist. He states that this should be continued, no fines or penalties regarding this possible miscommunication.

The Agent asked that they be removed within two weeks and that the applicant come before the GCC in October, with a submission by 09/17/08.

Noted: Documentation from Dave Sargent needed with a copy to the applicant and the floats out by 09/03/08.

PUBLIC COMMENT: none/closed.

Mr. Feener states that if the floats are not out within 2 weeks then penalties will commence.

Mr. Gulla entertains a motion to continue the matter to 10/1/01 7:30 PM.

MOTION: Mr. Socolow moves to continue the matter with the above dated conditions met.

SECOND: Mr. Feener

VOTE: 5-0 all in favor.

**56 NEW WAY LANE** Map 221, Lot 9. NEW RDA

This is a Request of Determination submitted by Bell Atlantic Mobile to construct a gravel access way and to construct a monopole communication tower with an associated equipment compound near isolated land subject to flooding.

The applicant has requested a continuance to 09/03/08.

Mr. Gulla entertains a motion to continue the matter to 09/03/08.

MOTION: Mr. Feener moves to continue.

SECOND: Mr. Socolow

VOTE: 5-0 all in favor

**76 HIGH POPPLES ROAD** Map 73, Lot 23

This is a Notice of Intent submitted by Paul Cunningham to remove and replace a dwelling, shed, walls and stairs and to conduct associated landscaping in a bordering vegetated wetland.

Mr. Ben Gary present and before the GCC noting the plan as 6600 sq. ft.

They want to replace the existing house utilizing the same footprint. He notes a crushed stone parking area and a patio in the back with blue stone on a crushed stone base. He also noted stairs and a shed. Two trees to be pruned have been taken out of the request.

In taking inventory there are 53 shrubs, which are to be taken down from the wall with 106 shrubs to be planted, species noted on the plan. He notes large maples on the back property line and moving the stone wall back 4 to 5 ft. from the trees with vegetation to be left and the creation of a crushed stone patio.

The Agent notes too much stone in re: the soil samples. Photos of the walls were taken and are on the pc. She notes the elevation at 23.

It was noted that Mr. Manuell did not do soils or delineation, only marking it.

The soils could not be augured so he could not confirm one way or another but does not seem to be subject to long standing water, maybe a flash rainfall flooding.

No delineation has actually been performed.

Mr. Gulla, Mr. Febiger and Mr. Feener review the photos.

PUBLIC COMMENT: none/closed.

The Agent notes the submission of a letter from a neighbor re: flooding.

Mr. Feener states that he went out the area and observed a 16 inch diameter tree decaying and will fail. He notes it as an invasive decaying Norwegian Maple. He states that if the applicant takes down the tree he will need to replace it with 2 trees.

The applicant notes the 2 trees as Red Maple 2 inches in diameter.

Mr. Feener notes that the area up to the parking lot has been driven on extensively with the Agent stating that it can be driven with 4 wheel drive.

Mr. Febiger notes the removal of the concrete wall and steps.



The applicant states that they are rolling it down and the fill will go to the edge of the patio 26.5, to the low wall, 25.5 as one continuous slope with no terracing. They are trying to provide a lawn area. He notes a 2% slope.

Mr. Febiger notes a concern with putting in fill with a lawn already present.

Mr. Socolow inquired as to the use of a dumpster and/or truck with the applicant stating that one or the other needs to be available.

Mr. Gulla notes that usually the location of the dumpster is in the driveway. He inquired as to this being approved by the Engineering Dept with the Agent stating that this has not been approved as of yet.

The Agent states that they do not want to cause water to flood and divert it to other property owners.

Mr. Gulla noted the possibility of creating a few openings in the wall.

The Agent states that even by raising this area you are diverting storm flow to other property owners who already have flood issues.

Mr. Gulla notes this as being a sensitive issue and would like to do a site visit and continue the matter. Site visit scheduled for 8/23/08 8:30 AM with Mr. Gulla and Mr. Febiger present.

Mr. Gulla entertains a motion to continue the matter to 09/03/08 8:30 PM.

MOTION: Mr. Feener

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

**BUNGALOW ROAD AND BAYBERRY LANE** Map 257, Lots 54 & 61. NEW

This is a Notice of Intent submitted by the Davis Beach Association to perform beach maintenance and to implement a beach management plan.

The applicant has requested a continuance to 09/17/08.

Mr. Gulla entertains a motion to continue the matter to 09/17/08 at 8:00 PM.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

**35 ROCKHOLM ROAD** Map 159, Lot 5.

This is a Notice of Intent submitted by Jonathan Weaver, Zelloe & Weaver Architects to demolish and re-build a dwelling with associated grading, utilities and landscaping in a buffer to a coastal bank.

Mr. John Judd, Gateway Consulting reviews the plan with the GCC stating the house is to be razed and there is a smaller floor plan for the new house.

He notes the location of the dumpster on the plan. He further notes that a number of trees had been removed. Mitigation was noted on the plan with proposed trees re: mitigation for the 8 or 9 trees to be removed. He also noted rose bush plants.

Mr. Feener stated that shoots start to come out of the stumps.

Mr. Jon Weaver stated that there are 7 confirmed stumps, replacing with 14.

Mr. Socolow noted that they are to be a minimum of 2 inches in diameter.

Mr. Feener states that it will be hard getting all 2 inch caliper re: root density and states that this is a problem.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to approve with conditions: 14 new trees to be planted, minimum of 2 inches in diameter and if need be, relocating them, coming before the GCC beforehand.

The Agent notes that Mr. Feener should go on site and check the trees and possibly assist in the placement of them.

MOTION: Mr. Feener moves to approve with conditions.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

**105 HIGH STREET** Map 163, Lot 4

This is a Notice of Intent submitted by Susanna Natti to construct an addition with a foundation and deck in a buffer zone to an inland bank.

Ms. Ellen Levine, Treehouse Design Rockport, MA present and before the GCC. Ms. Nancy Ryder, Agent for the GCC states she has no issues, pending DEP comments.

Ms. Levine states that the erosion control was moved closer. A truck access is shown on the plan along with the dumpster location and a couple of areas for stockpiling. She further notes that impervious area calculation and mitigation calculations as well as the aforementioned areas noted on the plan.

Mr. Feener asked if she could, before trimming, note the type of trimming to be done.

Mr. Gulla stated that a photo should be submitted for the file.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to approve with conditions: a photo of the tree to be pruned and a submission by an arborist.

MOTION: Mr. Feener

SECOND: Frontiero VOTE: 5-0 all in favor.

The Agent notes that Leslie from the Conservation Commission office at Community Development is the agent of record.

**15 HESPERUS CIRCLE** Map 189, Lot 4

This is a Request for Determination submitted by Omer and Evon Beland to construct an addition with a foundation in a resource area.

Shawn and Roxanne Costello, Essex Construction rep. the applicant

Mr. Costello addresses the GCC and states that this is a 2<sup>nd</sup> level bump out with orig. footprint. There is to be a front entry bump out where there is an 8 X 7 front porch.

He notes a 4ft. frost wall with some excavation to be done. He notes on the plan where the fill from the digging will go.

The Agent notes this being 65 ft from the center of a stream and 47 ft closest to the edge of the drive to the bank of the stream. This was noted in re: adding onto the existing driveway.

Mr. Costello notes wooden stairs with an entryway of poured concrete.

There is no grading to be done.

The Agent notes that with vehicles entering and leaving, erosion controls need to be in place if debris is to be kicked up.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion for a negative determination (+2B/+5/-3)

MOTION: Mr. Febiger

SECOND: Mr. Socolow VOTE: 5-0 all in favor.

### **WEST PARISH SCHOOL**

#### **CONCORD STREET**

RE: Emergency Certification for the connection to city sewer service.

The Agent requested that this matter be tabled to the end of the meeting.

MOTION: Mr. Feener moves to table.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

#### **16 QUARRY STREET** Map 157, Lot 41

This is a Request for Determination submitted by Anthony Brandner to maintain a newly constructed deck on quarry bank.

Mr. Anthony Brander present and before the GCC.

Ms. Rita Howland present and before the GCC. A portion of the deck is on her property.

It was noted that the deck was constructed approx. 5 years ago and that it was not previously permitted.

The Agent notes the possibility of destabilization of the bank and vegetation issues which has not happened.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion for a negative determination (+2B/-5/-2)

MOTION: Mr. Socolow moves for a neg. determination.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

#### **11 RIVER ROAD** Map 118, Lot 18

This is a Request for Determination of Applicability submitted by Thomas Brooks to remove invasive species and re-plant with native shrubs and to re-construct a wall and steps in riverfront.

Mr. Brooks addresses the GCC and states that this is a small piece of land, approx. 2,100 sq. ft.

He wants to removed weeds and invasives and replant with natural blueberry bushes, beach roses and lilacs. The property has been in his family since the 1940's.

He states that he is before the GCC because of growth that was removed and/or pruned.

The Agent states that this is a good opportunity to discuss historic maintenance of the plantings.

Mr. Brooks states that no trees or structures are involved.

Mr. Gulla states that photos can be submitted after the work is done and if the applicant can submit that what is maintenance and what is new cutting/removed.

Mr. Brooks states that it would be limited to 6 ft. maximum height other trees below the level of the road, with lilacs to 10 ft. and spaced so there are gaps in between the plantings.

Mr. Feener noted, no paths in between the blueberry bushes.

Mr. Brooks stated he will not have the paths and no mowing.

PUBLIC COMMENT: none/closed.

Mr. Brooks states that no heavy equipment will be used.

Mr. Gulla entertains a motion for a negative determination (+2B/+5/-3)

MOTION: Mr. Feener moves for the neg. determination.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

(Mr. Brooks inquired as to any recourse re: \$175.00 fee for the violation.)

### **EASTERN POINT BOULEVARD** Map 137, Lot 13

This is a Notice of Intent submitted by MA Audubon Society to remove invasive plant common reed at the edge of a salt marsh at Eastern Point Wildlife Sanctuary.

Mr. Lou Wagner, Scientist MA Audubon Society present and before the GCC. He notes this plan as 15,000 sq. ft. of common reed which has expanded and they would like to eradicate it.

Mr. Socolow inquires as to how they will do this.

Mr. Wagner states: Rodeo herbicide.

Mr. Febiger states that he would like to see the MSDS sheets.

Mr. Wagner states that the first treatment is a foliar spray then stem treatment with Rodeo as well. MSDS and Tox-net information can be submitted.

Mr. Febiger inquired as to any wells as this may be a safety issue with Mr. Wagner stating he didn't know.

Mr. Feener went on site and notes the salt water and phragmites which creeps out into the marsh.

Mr. Wagner stated that a hand pump is to be used with Mr. Feener asking at what rate.

Mr. Wagner stated it would be label weight. Mr. Feener inquired as to proof of insurance.

The Agent stated that Mass Audubon would be libel and should inquire as to the insurance. Mr. Feener inquired with the applicant in regards to being licensed with the applicant stating yes. He further noted that a card will need to be filled out re: wind and speed as well as time, date, temperature, weather conditions, rate and quantity. This is to be signed and submitted.

Mr. Wagner stated that he has spreadsheets re: the creep of the phragmites and will submit it.

Mr. Socolow questioned as to if the phragmites were not there what type of wildlife would be present, nesting birds? Mr. Wagner stated that they have nesting birds.

Mr. Wagner briefly discussed the identification of invasives. He noted a web link that noted 66 species of invasives.

The Agent asked that the applicant email information by the end of the week or the first of next week.

Mr. Feener inquired as to pre-mixing or on site with Mr. Wagner stating that it would be done on site in the parking lot using a backpack sprayer.

Mr. Socolow inquired as to the limits of the amount of spraying that can be applied with Mr. Wagner stated that the label has the limits listed.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to continue the matter to 09/03/08 7:05 PM.

Mr. Socolow inquired as to abutters with the Agent stating that they have all been notified.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

### **AGENTS REPORT ON VIOLATIONS**

#### **25 HOLLY STREET**

The Agent reviews with the GCC inquiring as to a site visit re: blockage of the stream.

She notes some type of shade mix. The applicant is going to go out to the site and check it.

Mr. Gulla entertains a motion to continue the matter to 09/03/08

MOTION: Mr. Feener moves to continue

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

#### **80 HIGH STREET**

The Agent notes the applicant submitted an application re: the level and the bulkhead, he went forward and did not submit any of the changes.

Mr. Seakamp notes this as a minor modification to add the notation.

Mr. Feener stated that the applicant previously stated that there was not enough room for mitigation and thus pulling in the foundation and bulkhead.

Mr. Gulla stated that the GCC is going to recommend monitoring with weekly reports and photographs.

The Agent notes that they need to make sure no adverse effects regarding the area on the right. The second entrance was not permitted and is closed off now but needs to be checked. She notes the filing as a minor amendment as they responded so quickly. This being an after the fact minor amendment with conditions.

Mr. Gulla entertains a motion to approve the after the fact minor amendment with conditions.

MOTION: Mr. Feener

SECOND: Mr. Socolow VOTE: 5-0 all in favor.

### **COMMISSION BUSINESS**

## **Requests for Letter Permits**

7-9 Stanwood Point tree cutting – The Agent reviews with the GCC stating that this is in re: minor tree cutting. A site visit was done with no issues. Letter Permit reflects the replacing of 4 trees on site. The Agent inquires as to this as a Nol, RDA or Letter Permit ?

Mr. Feener stated that he thought the tree was a Maple.

Mr. Gulla noted that the trees are to be at the minimum 2 inch caliper maples in place on either side, without removing the stumps.

MOTION: Mr. Feener moves to approve.

SECOND: Mr. Frontiero      VOTE: 5-0 all favor.

Niles Pond road vista pruning – The Agent notes that photos have been submitted for review by the GCC. The photos reflect what is there and what they would like to do, (no lower than 4 ft.).

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Socolow moves to approve the Letter Permit.

SECOND: Mr. Feener      VOTE: 5-0 all in favor.

22 Vine Street – The Agent notes this as being an after the fact filing being a replacement of a deck and lawn. She has no concerns.

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Feener

SECOND: Mr. Socolow      VOTE: 5-0 all in favor.

5 High Rock Terrace – The Agent reviews with the GCC and states this is in re: a 2<sup>nd</sup> story addition to dwelling. She notes a photo: the entire driveway is pavement. The construction entrance is within 100 ft., already paved.

The original delineation was not formally approved. This is 5 ft outside the buffer.

Mr. Gulla entertains a motion to approve 2<sup>nd</sup> story addition.

MOTION: Mr. Feener

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

3 Pond Road – The Agent reviews with the GCC noting photographs and the applicant wanting to trim branches, replace cement stairs and a walkway.

Mr. Gulla's recommendation: the replacement of the cement stairway but to deny the cutting. He entertains a motion to deny.

MOTION: Mr. Febiger

SECOND: Mr. Frontiero

Mr. Gulla notes a Letter Permit w/photos or an RDA.

The Agent states that the applicant can resubmit.

The stairs were approved.

VOTE: 5-0 all in favor.

40 Eastern Point Road –

Ms. Nancy Ryder, Agent for the GCC recuses herself.

This matter is in regards to basic repairs of the home.

MOTION: Mr. Socolow moves to approve the Letter Permit

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

639 Washington Street – Letter Permit request to replace 2 windows and a deck.

MOTION: Mr. Febiger

SECOND: Mr. Feener VOTE: 5-0 all in favor.

**Letter Permits issued and on the agenda to be ratified:**

2 Mayflower Lane - construct porch on sonotubes

5 Wiley Street - replace decking and windows

Cart Track Drive - replace underground electrical lines

20 Beachcroft Rd. - roofing

MOTION: Mr. Febiger moves to ratify the above Letter Permits

SECOND: Mr. Feener VOTE: 5-0 all in favor.

**Board of Health Perc. testing**

187 Atlantic Street - soils testing

MOTION: Mr. Feener moves to approve

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

**Certificate of Emergency**

10R Concord Street, West Parish School - connect failed septic to city sewer

This is on the agenda for an Emergency Certificate

MOTION: Mr. Socolow moves to approve.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

Mud marring permit application:

6 Island Rock Road –

Mr. Gulla entertains a motion for a seasonal float.

MOTION: Mr. Feener

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

**DPW request** – Public Landing regrading (a repeat request, paperwork unavailable)

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Feener VOTE: 5-0 all in favor.

### **Minor Amendments**

136 Wingaersheek – foundation change – This is a minor amendment, change of footprint of the house in coastal dune. Bumpouts along the back

MOTION: Mr. Feener moves to approve

SECOND: Mr. Socolow      VOTE: 5-0 all in favor.

80 High Street – foundation change      \*\*\*\*\* ?

Rocky Neck Ave - foundation change      \*\*\*\*\* ?

### **Requests for Certificates of Compliance**

28-1766; Keystone Road - tabled: site visit requested.

28-484; 1976 Dennison Street - aka, 8 Annisquam Heights – Denied.

28-1722; 35 Norseman Avenue – Approved.

28-1508; 726 R Washington - Tabled.

28-1724; 630 Western Ave – Approved.

28-1703; 5 Aileen Terrace – Denied.

28-1709; 8 Gee Avenue – Approved.

28-1730; Kettle Cove Lane – Approved.

28-1676; 18 Two Penny Lane – Approved.

28-1592; 21 Horton Street – Approved (This CoC is for the earlier permit for the sewer connection and garage, not for the piling and stair repair.)

28-1774 228 Atlantic Road – Approved.

359 Concord Road – Approved.

64 Rocky Neck Ave. – Approved.

Mr. Gulla entertains a motion re: the above decisions.

MOTION: Mr. Socolow

SECOND: Mr. Feener      VOTE: 2 issues tabled, 2 issues denied and 9 issues approved.

### **Requests for Extension Permits**

28-1603 9 Fenly Road - tabled to 09/03/08 7:05 PM

28-1702 25R Riverview Road - tabled to 09/03/08 7:05 PM

Mr. Gulla entertains a motion to adjourn.

MOTION: Mr. Feener moves to adjourn

SECOND: Mr. Febiger      VOTE: 5-0 all in favor.

Meeting adjourned.

Respectfully submitted,

Carol A. Gray  
Recording Clerk